

T9803

Attorney Ref. No. 18166-013

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

---

SAFEWAY INC. : Cancellation No. 92041801  
 Petitioner, :  
 v. :  
 PROMOTION IN MOTION, INC. :  
 Respondent. :

---

05-14-2004  
 U.S. Patent & TM Ofc/TM Mail Rcpt Dt. #78

ANSWER TO AMENDED PETITION FOR CANCELLATION

Respondent, for its answer to the Amended Petition for Cancellation, by its attorneys,  
hereby alleges:

1. Admits the allegations in paragraph 1 of the Amended Petition for Cancellation.
2. Denies the allegations in paragraph 2 of the Amended Petition for Cancellation.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Amended Petition for Cancellation excepts denies that Petitioner will be damaged by the continued registration of U.S. Registration No. 2,162,698 and states that there is no Exhibit A annexed to the Amended Petition for Cancellation.

"Express Mail" Mailing Label Number 324483076  
 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-43514 on  
5/14/04 SHARON LYNETT  
 (Date of Deposit) (Print name)  
Sharon Lynn  
 (Signature)

4. Admits that Exhibit 2 attached to the Amended Petition for Cancellation narrows the channels of trade in Petitioner's application and denies that such amendment eliminates any likelihood of confusion between Petitioner's application and Respondent's registration.

5. Denies the allegations in paragraph 5 of the Amended Petition for Cancellation.

WHEREFORE, Respondent requests that the cancellation be dismissed.

Dated: New York, New York  
May 14, 2004

Respectfully Submitted,  
COWAN, LIEBOWITZ & LATMAN, P.C.  
Attorneys for Respondent

By: 

Mary L. Kevlin  
Susan R. Schick  
1133 Avenue of the Americas  
New York, New York 10036-6799  
(212) 790-9200

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Answer to Amended Petition for Cancellation was served on Petitioner by mailing a copy, first class mail, postage prepaid, to Petitioner's counsel Jordan S. Weinstein, Esq., Oblon, Spivak, McClelland, Mauer & Newstadt, P.C., 1940 Duke Street, Alexandria, Virginia 22314 on May 14, 2004.

  
Susan R. Schick